

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: March 11, 2015

+ BAIL APPLN. 2798/2014

SHAHNAWAZ @ RAJU Petitioner

Through: Mr. Vikas Padora, Advocate

versus

STATE (NCT) OF DELHI Respondent

Through: Mr. Navin Sharma Additional
Public Prosecutor for respondent-
State with Inspector V.P.Jha

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In this application, regular bail in FIR No.127/2012, under Sections 365/302/201/120-B of the IPC, registered at police station Hauz Qazi, New Delhi is sought while claiming that the evidence on record does not incriminate petitioner at all.

At the hearing, learned counsel for petitioner had placed on record certified copy of deposition of twenty five witnesses to submit that their evidence does not incriminate petitioner at all and that the petitioner is in custody for last more than 2½ years and so, he deserves bail.

This application is strongly opposed by learned Additional Public Prosecutor for respondent-State who submits that this case is solely based on circumstantial evidence and the evidence recorded ought not to be

appreciated piece meal, as it will adversely affect the trial of this case. It was submitted by learned Additional Public Prosecutor for respondent-State that deposition of ten material witnesses is yet to be recorded and in a circumstantial evidence case, deposition of the Investigating Officer is also crucial.

Upon hearing and on perusal of the FIR of this case, status report and upon briefly glancing through the certified copy of the deposition already recorded, I find that it will not be fair to the prosecution to bring it on record whether the evidence led incriminates petitioner or not. During the course of hearing, it was brought to the notice of this Court that the recording of remaining prosecution evidence is to take place before the trial court on 20th and 21st March, 2015. At the hearing, Mr. Navin Sharma, learned Additional Public Prosecutor for respondent-State assured that the remaining witnesses would be produced before the trial court on these two dates.

Let it be so done.

Needless to say that trial court shall ensure that the witnesses produced are examined on the dates fixed. Since recording of the prosecution evidence is at its fag end, therefore, this Court is not inclined to express its opinion as to whether circumstantial evidence already recorded incriminates petitioner or not. The evidentiary value of the evidence led or yet to be led, is not required to be commented upon while dealing with the bail application.

Considering the gravity of the offence and the fact that the substantial prosecution evidence is already recorded and it has been undertaken on behalf of respondent- State that remaining evidence would

be led in this very month, this application is rejected without commenting on the merits of this case with direction to the trial court to expedite the trial of this case, as petitioner is said to be in custody for more than 2½ years.

This application is accordingly disposed of with aforesaid directions. Trial court be apprised of this order forthwith.

(SUNIL GAUR)
JUDGE

MARCH 11, 2015

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